

The Patent Act

Mr. Stanley Haidasz (Parliamentary Secretary to Minister of Consumer and Corporate Affairs): Mr. Speaker, I do not want to enter into a debate on some of the points that were raised by the previous speaker. However, I do want to say that the minister has done a tremendous job introducing legislation to protect the Canadian consumers, and some of the remarks made here tonight were unwarranted.

I am very pleased to say a few words about this bill on behalf of the Minister of Consumer and Corporate Affairs (Mr. Basford). As mentioned in the explanatory notes to Bill C-194, the object of this amendment is to remove from the Patent Act all statutory provisions relating to fees required in proceedings taken under the Patent Act, and to replace these with a simple statutory authority that will permit such fees to be prescribed by Governor in Council.

The Royal Commission on Government Organization, the Glassco Commission, recommended that patent fees should cover "at least the total of all costs, direct and indirect, incurred in performing the service." These indirect costs include provision for accommodation of the Patent Office and superannuation costs which do not at present appear in departmental estimates.

That is principle to which the government subscribes. It necessitates a periodic review of fees, and continuing fee revisions as may be required. At the present time, as many of the fees are embodied in section 75 of the Patent Act, any fee revision must be brought before parliament, with the result that valuable time must be taken from more urgent matters before the house. Most statutes which authorize the levying of fees for services give the Governor in Council authority to establish the fees and to revise them from time to time as necessary.

In 1964 the Appropriation Act authorized the Governor in Council to revise the fee structure under the Patent Act, and the present structure dates from that time. I think there would be general agreement in the house that it is better practice not to use the Appropriation Act to make this kind of legislative change. May I add that the Royal Commission on Patents, Copyright and Industrial Designs recommended changes of the kind now proposed in this bill. As regards the rest of the Patent Act, I would like to say it is under thorough study by the Economic Council of Canada and that we anticipate a report

[Mr. Gilbert.]

from them within a year. After the government receives that report it will give it a thorough study with a view to bringing in any other changes necessary, or perhaps even a new bill.

Mr. A. D. Alkenbrack (Frontenac-Lennox and Addington): Mr. Speaker, I have taken note that this bill, C-194, is to amend the Patent Act. Since I have a complaint which has to do with patents and the execution of patents I feel that this is a good time to mention it. It has nothing to do with the explanatory notes to Bill C-194. I note that these say:

The purpose of this bill is to remove from the Patent Act the present provisions thereof fixing the fees to be paid on the filing of applications or the taking of other proceedings under the act, and to provide authority for the making of rules under the act respecting the fees that may be charged and their payment.

The matter I wish to bring up relates to the infringement of patents. It has been brought to my attention by the people in charge of the local arena in my home town, the Napanee and District Memorial Arena, that some time ago they bought an ice rink resurfacing machine.

The Acting Speaker (Mr. Béchard): Order. I regret to interrupt the hon. member but I think he is out of order. He is not speaking about the bill that is actually before the house.

Mr. Alkenbrack: Mr. Speaker, with all due respect, how could I be out of order when I am bringing up a subject that concerns the Patent Act?

The Acting Speaker (Mr. Béchard): I want to remind the hon. member that the explanatory notes mention, and I quote:

The purpose of this bill is to remove from the Patent Act the present provisions thereof fixing the fees to be paid on the filing of applications or the taking of other proceedings under the act—

Therefore, I think the hon. member is out of order.

Mr. Alkenbrack: Mr. Speaker, with all due respect, at what time will this house approve of my bringing up this subject? Under what category would I have to bring it up?

The Acting Speaker (Mr. Béchard): When we are studying the amendment to the act, or rather the estimates of the department.

Mr. Alkenbrack: At what time will we be studying the amendment to the act then?